

PROGRAMS – APPELLATE AND TAX COURTS

Appellate and Tax Courts

The Appellate/Tax Court Operations program funds the operations and staffing of the Supreme Court, Court of Appeals, Appellate Court Services Division (ACSD), and Tax Courts. The Supreme Court is established by the Oregon Constitution and consists of seven justices elected to serve six-year terms, one of whom is selected from among his/her peers to serve as the Chief Justice for the branch in a six-year term. The Court of Appeals consists of 13 statewide-elected judges who hear appeals from trial courts and state agencies and boards. The Tax Court consists of one statewide-elected judge who hears matters in the Tax Court Regular Division that arise from Oregon tax law and hears appeals from the Tax Magistrate Division created in 1997 to replace the informal administrative tax appeals process conducted by the Department of Revenue. ACSD is the appellate clerk's office for both the Supreme Court and the Court of Appeals and as such serves attorneys, litigants, and the public in addition to managing ancillary programs and services.

Supreme Court

The Supreme Court is Oregon's court of last resort and exists by virtue of Article VII (amended) of the Oregon Constitution. The Supreme Court has the ultimate responsibility for interpreting Oregon law. The court's decisions with respect to Oregon constitutional, statutory, administrative, and common laws are not subject to further judicial review, except by the United States Supreme Court to ensure consistency with federal law.

Cases come before the Supreme Court in a variety of ways, and jurisdiction is conferred by the Oregon Constitution and by statute. The court primarily is a court of appellate review, reviewing the decisions of lower courts and other bodies, but it also has original jurisdiction in some type of cases. In addition, the law mandates that the Supreme Court hear certain types of cases; however, the majority of cases before the court are cases in which the justices have exercised their discretion and determined that the matters present important questions of Oregon law.

Constitutional Jurisdiction

When voters adopted Article VII (amended) of the Oregon Constitution in 1910, they provided the Supreme Court with constitutional authority to exercise discretionary original jurisdiction in *mandamus* (involving the exercise of public duties), *quo warranto* (concerning the right to hold a public office), and *habeas corpus* (questioning whether incarceration is lawful) proceedings. The court typically receives between 80 and 100 such petitions every year, based on 2009-13 statistics. The court considers all of these cases but accepts only a small percentage to decide on the merits. The Constitution also imposes mandatory original jurisdiction to consider any challenges to the decennial reapportionment of legislative districts.

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Statutory Jurisdiction

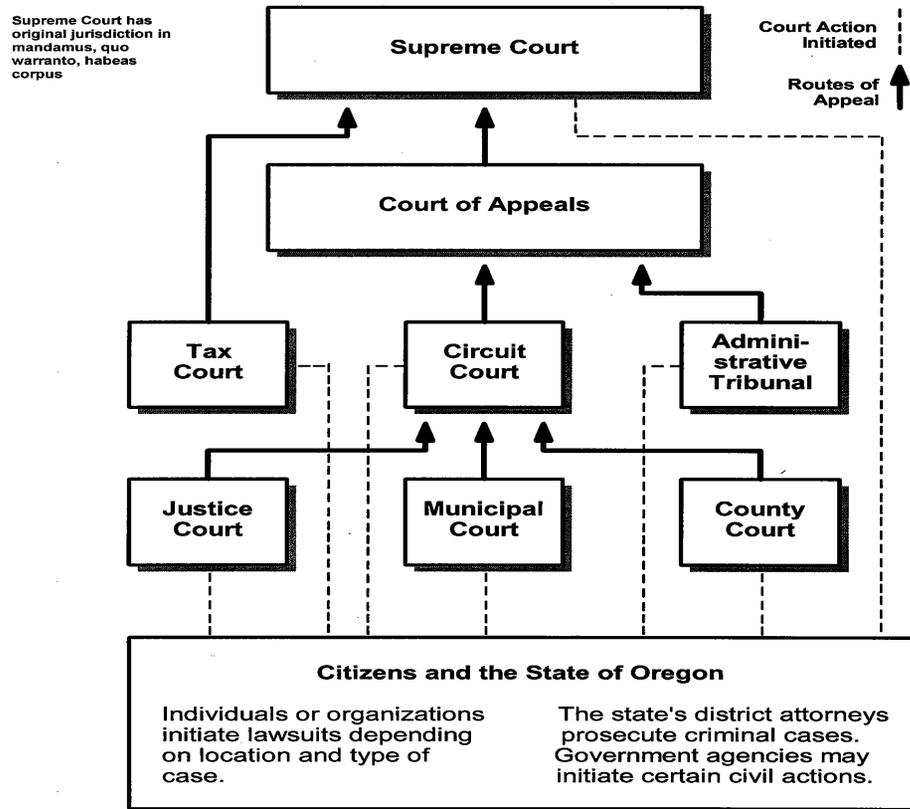
The primary work of the Supreme Court is to perform its legislatively authorized discretionary review of decisions of the Oregon Court of Appeals. Cases in which a disappointed litigant in the Court of Appeals files a petition seeking review actually present two questions to the court: the first is the decision whether to allow review; and, second is the decision on the merits of the questions presented if review is allowed. Each of those decisions is significant, and the court devotes substantial resources toward considering whether a particular petition for review presents an important question for adjudication. The court considers between 700 and 1,000 such petitions for review each year and “allows,” or agrees to consider on the merits, between 5 and 7 percent. The court also has the discretionary authority to consider certified questions of Oregon law from other courts (typically from either Oregon’s United States District Court or from the United States Court of Appeals for the Ninth Circuit) and certified appeals from the Oregon Court of Appeals.

The Supreme Court also has a substantial docket of statutory cases of mandatory review. On the appellate side of the court’s mandatory caseload, the court hears

- 1) Automatic reviews in cases where the death penalty was imposed (an average of two such reviews is filed each year, but the cases are complex and extensively briefed);
- 2) State-initiated appeals of orders dismissing the accusatory instrument or suppressing evidence in certain criminal cases (an average of one case annually);
- 3) Appeals from crime victims pertaining to the exercise of their rights in criminal proceedings (between one and two cases annually);
- 4) Appeals from the Oregon Tax Court (an average of six cases annually);
- 5) Appeals (infrequent) involving certain types of labor disputes;
- 6) Reviews of administrative siting decisions for prison, energy production, and waste disposal facilities (also infrequent but often complex);
- 7) Reviews in lawyer discipline and admissions matters (50 to 90 cases annually);
- 8) Reviews involving questions of judicial fitness and disability (infrequent);
- 9) Reviews of election-related petitions, including ballot title review proceedings and challenges to Voters’ Pamphlet explanatory and fiscal impact statements (an average of 20 cases annually); and
- 10) Specific cases or issues that the Legislature has directed the Supreme Court to consider (e.g., PERS challenges), either on original review or on appeal.

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Finally, either by legislative direction or the court’s own policies, a number of the case categories described above are considered and decided on an expedited basis. These cases include death sentence review proceedings, election law matters, attorney and judicial decision cases, *mandamus* petitions, and labor and facilities siting cases.

Administrative Responsibilities

Sitting, as it does, at the apex of Oregon’s third branch of government, the Supreme Court has been assigned significant regulatory responsibilities relating to the administration of Oregon’s judicial system. The court, for example, is responsible for appointing, among other positions, *pro tempore* and senior judges, members of the Board of Bar Examiners (law admission), and members of the Bar Disciplinary Board (lawyer discipline). The Supreme Court also has substantial rulemaking responsibilities. The court reviews and approves a variety of rules affecting the practice of law, including amendments to the Rules of Professional Conduct (lawyer ethics), the Rules of Appellate Procedure, the Rules for Admission of Attorneys, the Oregon State Bar Rules of Procedures, the rules governing Mandatory Continuing Legal Education for Oregon Lawyers, and some Uniform Trial Court Rules.

The administrative and regulatory elements of the court’s workload fall most heavily on the Chief Justice, who, in addition to managing the Supreme Court, is the administrative head of the entire Oregon unified court system. The primary authority is set forth in ORS 1.002. In addition, under ORS 1.003, the Chief Justice is responsible for appointing the Chief Judge of the Court of Appeals, the presiding judge of the Tax Court, the presiding judges for each of Oregon’s 27 judicial districts, and the State Court Administrator. The Chief Justice also approves the unified biennial budget for the operating resources of the Oregon Judicial Department.

Workload Distribution and Case Processing

The Supreme Court considers the judicial matters before it *en banc*, with all seven justices participating in the decision (unlike the Court of Appeals, which decides many of its cases by three-judge panels). The Supreme Court does so primarily because it is Oregon’s court of last resort. It is critical that each justice – unless recused from the case – fully contribute to this final expression of Oregon law. Full court consideration applies not only to the opinions that the court issues, but also to the petitions and substantive motions that the court decides. The court also receives a substantial number of motions that are not substantive in nature. Nonsubstantive motions, such as extension of time, are decided by the Chief Justice or by a designated Presiding Justice, in coordination with the Appellate Court Records Office staff.

Petitions for review or reconsideration and substantive motions are assigned on a rotational basis to one of the associate justices for preparation of a memorandum discussing the petition, motion, or other matter, and for providing the assigned justice’s recommended disposition. Once a case has been accepted for review, the Chief Justice assigns cases to a particular justice for the purpose of writing an opinion. The court sits in conference on

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average two times each month to consider the opinion drafts and other matters that are pending before the court. The conferences usually last one day. The court holds emergency conferences when needed to consider petitions or motions requiring immediate attention. Finally, the court holds a monthly public meeting at which it addresses the rulemaking and other nonadjudicatory matters described above.

Automation, Access, and Outreach

As discussed under the Appellate Court Services Division section, the Supreme Court and the Court of Appeals are fully automated on an appellate case management system that covers electronic filing, electronic payment in conjunction with electronic filing, electronic case management, and electronic document management. The vast majority of briefs in the appellate courts are now filed electronically, and even when paper briefs are filed, the courts have eliminated earlier requirements to file accompanying paper copies. A majority of the Supreme Court now read briefs, petitions for review, draft opinions, and often official documents on tablet devices, rather than paper copies.

In addition, the Supreme Court maintains a web page with information about the members of the court and its operations. Briefs are available online, and most Supreme Court hearings (oral arguments) are broadcast from the Supreme Court Courtroom over the web. Most oral arguments are available both by way of streaming live broadcasts as the oral arguments occur and by access to archived versions of those oral arguments that can be accessed any time after the arguments are completed. This statewide webcasting service enhances public accessibility and serves as an educational training resource for the larger legal community. The Supreme Court also schedules on-the-road hearings around the state each year, at high schools, colleges, law schools, and other community locations, to let students and the public observe hearings in person.

Supreme Court Cases Filed by Type and Subtype						
	2008	2009	2010	2011	2012	2013
Appeal						
Certified – Civil – General	1	0	0	0	0	0
Appeal – Civil						
Adoptions	2	1	1	0	0	0
Agency – Circuit Court	0	2	2	1	1	1
Agency – Circuit Court – Isolation/Quarantine Order	0	0	0	0	0	0
Armed Forces	0	0	0	0	0	0
Civil Commitment	3	4	0	3	2	2
Domestic Relations	9	18	22	15	12	13
Domestic Relations – Punitive Contempt	0	0	0	2	0	1
FED	4	1	3	7	9	2

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General	86	83	95	103	69	74
Non-Traffic Violation	0	4	3	0	5	0
Other	3	5	5	4	2	2
Probate	3	4	1	4	5	7
Stalking	0	2	2	1	3	0
Traffic	4	3	3	0	0	2
Appeal – Collateral Criminal						
<i>Habeas Corpus</i>	20	40	27	20	21	25
Other	0	0	0	0	1	0
Post-Conviction	235	222	159	145	150	176
Appeal – Criminal						
Armed Forces	0	0	0	0	0	0
General	509	538	349	347	353	320
Other	1	0	0	1	0	0
Pretrial Felony – In Custody	0	0	0	0	0	0
Stalking	0	0	1	0	0	0
Traffic	13	12	18	14	4	11
Appeal – Juvenile						
Delinquency	1	2	2	1	2	2
Dependency	13	12	26	17	23	44
Support Judgment	0	0	0	0	0	0
Termination of Parental Rights	15	25	25	20	17	19
Judicial Review – Agency/Board						
Columbia River Gorge Commission	0	0	0	0	0	0
Land Use Decision	6	10	4	7	4	1
Other	3	1	2	2	1	0
Other Agency/Board Decision	19	20	18	14	16	13
Parole Decision	60	42	21	16	21	22
Rule Challenge	0	1	2	1	0	2
Urban/Rural Reserves	0	0	0	0	0	0

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Workers' Compensation Decision	7	9	9	10	11	13
Direct Review – Agency/Board						
Corrections Facility Site Certification Review	0	0	0	0	0	0
Energy Facility Site Certificate/Exemption Review	0	0	0	0	1	0
Energy Facility Siting Council Rules	0	0	0	0	0	0
Mining Permit Issuance/Denial Review	0	0	0	0	0	0
Municipal Corp Budget Review	0	0	0	0	0	0
Other – Discretionary	0	0	0	0	0	0
Other – Mandatory	0	0	0	1	0	0
Direct Review – Ballot Measure						
Ballot Title	12	29	14	15	18	23
Constitutionality Review	0	0	0	0	0	0
Explanatory Statement	0	2	0	0	0	0
Financial Impact Estimate	0	0	0	0	0	0
Direct Review – Civil						
Certified Appeals	0	1	4	2	2	0
Certified Question	3	2	0	1	1	0
Labor Disputes – TRO	0	0	0	0	0	0
OCTA Limitations	0	0	0	0	0	0
Other – Discretionary	0	1	0	0	0	0
Other – Mandatory	0	0	0	0	0	0
Direct Review – Criminal						
Death Sentence	0	0	4	5	0	1
Other – Discretionary	0	0	0	0	0	0
Other – Mandatory	0	0	0	0	0	0
Pretrial Murder/Aggravated Murder	3	1	1	2	1	0
Victim Rights – Felony/Person A Misd'r – Presentencing	0	0	0	2	2	2
Victim Rights – Other Misd'r/Postsentencing	0	0	0	1	2	1
Direct Review – Legislation						
Other – Discretionary	0	0	0	0	0	0

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Other – Mandatory	0	0	0	0	0	5
Review	0	0	0	0	0	0
Direct Review – Other						
Discretionary	0	0	0	0	0	0
Mandatory	0	0	0	0	0	0
Direct Review – Tax	4	1	4	5	8	11
Original Proceeding – Civil						
Reapportionment Review	0	0	0	0	0	0
Original Proceeding – Writ						
<i>Habeas Corpus</i>	15	8	10	18	6	10
<i>Mandamus</i>	92	60	83	62	77	72
<i>Quo Warrento</i>	0	0	2	1	0	0
Original Proceeding – Writ/Petition						
Other – Discretionary	0	0	0	1	0	0
Other – Mandatory	0	0	0	0	0	0
Professional Regulation – Bar Review						
Disciplinary Proceedings	31	18	27	12	21	14
Examination	1	1	0	0	0	0
Other	9	6	8	3	7	9
Petition for Admission	14	9	16	13	20	21
Reciprocal Discipline	0	0	4	2	6	7
Reinstatement	34	28	25	21	18	20
Student Loan Default	0	0	0	0	0	0
Professional Regulation – Judicial Fitness/Disability						
Disability	0	0	0	0	0	0
Fitness	0	0	0	0	1	1
Total	1,235	1,228	1,002	922	923	949

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Supreme Court Petitions for Review – Filings Allowed and Denied, with Aging (2008 to 2013)						
	Total Filed	Allowed		Denied		Ave. days from Filing to Decision
2008	883	69	8%	814	92%	74
2009	1031	55	5%	976	95%	82
2010	731	60	8%	671	92%	91
2011	759	62	8%	697	92%	84
2012	675	49	7%	626	93%	95
2013	795	47	6%	748	94%	93

Note: The total number of described filings allowed and decided within a year is not the equivalent of the number filed within a year because the filings allowed and denied are not necessarily the same as those filed.

Released Opinions – Summary						
	2008	2009	2010	2011	2012	2013
Opinions	78	77	77	74	64	66
Concurrences	4	3	10	5	5	9
Concur/Dissents	1	3	1	1	1	2
Dissents	6	5	9	9	5	7

Court of Appeals

The Court of Appeals is Oregon’s intermediate appellate court. By statute, the Court of Appeals is charged with deciding nearly all the civil and criminal appeals taken from Oregon’s state trial courts and nearly all the judicial reviews taken from administrative agencies in contested cases. Created by statute in 1969, the Court of Appeals does not exercise any constitutional jurisdiction; instead, its jurisdiction is set by the Legislature.

Whether measured against the number of appeals taken by population or by the number of appeals taken by judge, the Oregon Court of Appeals consistently ranks as one of the busiest appellate courts in the nation. Over the past five years, annual filings in the Court of Appeals have ranged

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from between approximately 2,600 to approximately 3,100 cases per year. That number has varied, at least in part, because of changing economic conditions and changes in statutes or case law that may generate “spikes” in filings.

In 2012, in light of the increasing volume and complexity of the court's workload, the Legislative Assembly passed House Bill 4026B, amending ORS 2.540 to increase the number of Court of Appeals judges from 10 to 13. As a result, the three new judges joined the court in late 2013. Also during this time, two long-serving judges retired from the Court of Appeals. The loss of experienced and well-seasoned judges always takes a toll on the court's efficiency, even when (as has occurred) the Governor has acted promptly to appoint highly qualified successors. Fortunately, however, with the addition of the new panel, the Court of Appeals was able to handle its incoming caseload in a timely manner, as well as begin to make significant strides to address its backlog of pending cases. Because it will take time for the new judges (five in total) to become highly effective and integrated into this collegial court, the court expects that the quantifiable aspect of this impact will be evident in the 2015 time frame.

The information contained in this narrative is merely a summary of the court’s structure, workload, and projects.

Workload Distribution

The Court of Appeals currently consists of thirteen judges. To meet the demand of its substantial workload – and consistently with the authority granted the court by the Legislative Assembly – the court is divided into four departments (or “panels”) of three judges each for the purpose of considering and deciding cases. In addition, there is a two-judge department – presently consisting of the Chief Judge of the Court of Appeals and one judge selected from one of the four departments – that considers some of the substantive motions filed in appeals or judicial reviews. The Chief Judge acts as a nonvoting member in each of the court’s four departments and participates in their deliberations. That participation, which is in addition to the Chief Judge’s administrative and other responsibilities, both permits the Chief Judge to act as a substitute voting member in any department when one of the other judges cannot participate (due to a conflict of interest, for example) and also helps to ensure consistency among the decision making of the various departments. Finally, before a department releases an opinion in a case, the proposed opinion is circulated to all the court’s judges, and the court then may elect to consider the case *en banc* (by the full thirteen-judge court), which happens in approximately 3 percent of the court’s cases.

Case Processing

An appeal or judicial review can result in a dismissal short of a decision on the merits for a number of reasons: A party may voluntarily dismiss the case due to settlement or for some other reason, or there also can be jurisdictional problems or a failure to prosecute. All but a handful of dismissals arise before the case is submitted for decision. Over time, the statistics translate roughly (“roughly” because a case may be dismissed in a year other than the year in which it was filed) into a 35 percent dismissal rate. Even cases that are dismissed can involve motions and other matters that need to be resolved by the court's Appellate Commissioner and Motions Department, described below.

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With regard to those cases that proceed to a disposition on the merits, most cases are submitted for decision after oral argument; a small percentage is submitted on the written briefing alone. Cases are assigned to a department on a random basis. Each department hears oral arguments on an average of two to three days each month; oral arguments are heard year-round. In addition, the court has periodically scheduled an additional oral argument day each month to consider “fast track” cases, those matters that the Legislative Assembly or the court has determined require expedited consideration. Primary among those cases are appeals or judicial reviews involving juvenile dependency, termination of parental rights, land use, workers’ compensation, and certain felony convictions.

Before oral argument, all three judges assigned to hear the cases read the parties’ briefs, perform whatever preliminary legal research may be in order, and meet together to discuss the case in a pre-argument conference. Following oral argument, the judges reevaluate the case in a post-argument conference in light of the parties’ oral advocacy and review the record of the case as appropriate. If, based on all those considerations, each of the three judges agrees that (1) none of the arguments by the parties will result in the decision below being vacated, reversed, or modified; and (2) a written opinion would not benefit the parties, bench, or bar, then the department will issue a decision affirming the ruling on appeal or review without opinion. Such decisions normally are issued within a few weeks of oral argument.

For matters in which an unwritten disposition would not be appropriate, the presiding judge of the department assigns the case for preparation of a written opinion. Once prepared, the draft is circulated to the other judges of the department and the Chief Judge, and the proposed decision is discussed at a regularly scheduled conference that the Chief Judge also attends. As noted above, once the department has agreed on a disposition for the case, which may or may not include a concurring or dissenting opinion by one of the department’s judges, the final draft of the opinion(s) is circulated to all the other judges to determine whether the case will be considered by the full court. All cases considered by the full court are discussed at the full court conference. On a vote of a majority of the participating judges, a case will be taken *en banc*. This typically occurs in cases presenting more novel or complex issues. The court usually considers *en banc* cases on the original briefing and oral argument, but in 2014, the Court of Appeals held an *en banc* oral argument, the first in at least 40 years, on a specially selected case so the full court could gain further details on areas of contention, thereby enhancing the application of law on a particular complex case.

In recent years, the Court of Appeals has issued between approximately 400 and 500 written opinions each year, or 40 to 50 opinions per judge (based on ten judges since the actual data on the additional three judges is not available at the time of writing). At any one time, each judge usually has an active list of between 25 and 30 cases that have been assigned to that judge for a written opinion to be produced. The court continues its efforts to maintain its productivity goals, notwithstanding that those efforts have become increasingly challenging and difficult because of the increasing complexity or “densification” of issues and sophistication of advocacy in a very substantial portion of the cases that the court considers and adjudicates.

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Internal Processes – Publication, Assessment and Improvement

The court is committed to improving communications with the bench, the bar, the other branches of government, and the public about its work. As part of its efforts to fulfill that commitment, the court's opinions are electronically published immediately after issuance. In addition, the Court of Appeals has posted a written summary of its internal processes on the public website, the Oregon Court of Appeals Internal Practices Guidelines. The guidelines describe the internal workings of the court, from the filing of documents that trigger the court's jurisdiction, until the issuance of judgments that end it. Included are descriptions of the organization of the court and its professional and administrative staff, how the court processes various filings at the initiation of an appeal or judicial review proceeding, how the court typically arrives at its decisions, and how it prepares them for publication. It also includes descriptions of how the court processes its several thousand motions annually and how cases may be referred to its nationally recognized Appellate Settlement Conference Program. The court hopes that, by providing these insights into its internal workings, the court has made its work more accessible and its rules and procedures easier for litigants to comply with.

The court is also committed to reviewing its internal practices on an ongoing basis, in an effort to improve its practices to better serve the bench, the bar, and the public. To that end, the court sponsored and supported a survey of the best practices of state intermediate appellate courts across the nation, developed performance measures for its work (summarized below), and obtained a grant to enable the National Center for State Courts to conduct an in-depth analysis of the court's workload. The resulting demonstration of need for additional judicial resources led the Legislative Assembly to add three new judges and associated staff to the court. The court's self-improvement initiatives will improve intermediate appellate court performance and provide systematic sharing of information pertaining to court processes and design both in Oregon and across the nation. As the court adjusts its practices, it will modify its Internal Practices Guidelines to reflect those changes.

Appellate eCourt Project

The Court of Appeals has implemented a new automated Appellate Case Management System, a key component of the Chief Justice's vision for an "electronic courthouse." The Appellate Case Management System is now operational and has been in use by the court since 2008.

The court has also implemented an electronic document management system. This system gives the court the ability to process cases without the need to handle traditional hard copies of appellate briefs and other documents. In recent years, members of the court's merits panels have routinely prepared for oral argument and decision by reading (and, in many cases, annotating) electronically-filed briefs and related submissions. In addition, the court has started using electronic versions of trial court records, exhibits, and transcripts as part of the case review and opinion preparation process.

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Appellate Performance Measures

The Court of Appeals Performance Measures design team developed and formally established the court's success factors and accompanying core performance measures. The court's success factors are as follows:

- Quality: Fairness, equality, clarity, transparency, and integrity of the judicial process.
- Timeliness and Efficiency: Resolution of cases in a timely and expeditious manner.
- Public Trust and Confidence: Cultivating trust and confidence in the judiciary.

The court's core performance measures are as follows:

- Citizen/Constituent Satisfaction: Assessment of input solicited or received from counsel and litigants regarding the timeliness, responsiveness, and quality of the court's processes and dispositions.
- On-Time Case Processing: The percentage of cases disposed or otherwise resolved within established time frames.
- Clearance Rate: The ratio of outgoing cases to incoming cases expressed as an average across all case types and disaggregated by case type – that is civil, criminal, collateral criminal, juvenile, and agency/board.
- Productivity: The number of cases resolved by the Court of Appeals disaggregated by decision form – that is, signed opinions, *per curiam* opinions, AWOPs (affirmances without opinion), and dispositive orders.

Appellate Commissioner Project

In 2008, the court reorganized the Office of Appellate Legal Counsel into an Appellate Commissioner's Office. The implementation of the Appellate Commissioner's Office has substantially reduced the amount of time it historically has taken for substantive motions in the Court of Appeals to be decided. Pursuant to statute, the commissioner has authority to decide motions, own motion matters, and decide cost and attorney fees matters arising from cases not decided by a department, but is not authorized to decide any appeal on its substantive merits. Parties may seek reconsideration of a decision of the commissioner, resulting in review of the decision by either the Chief Judge or the Motions Department of the Court of Appeals. Since

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its inception and implementation, this initiative has been highly successful in eliminating procedural bottlenecks in the appellate process, expediting prompt disposition of thousands of matters.

Special Programs

Appellate Settlement Conference Program: The Court of Appeals has continued to utilize its highly effective and nationally recognized mediation program, which has allowed parties to resolve, on a mutual rather than judicial basis, between 100 and 150 civil, domestic relations, and workers' compensation cases each year. Those cases are frequently among the most complex that the court would otherwise consider. The settlement rate for cases entering the program has been approximately 70 percent, one of the highest in the nation.

Trading Benches Program: The court has developed and implemented this program in coordination with Oregon's circuit court judges. Through the program, trial judges periodically participate in the consideration and decision of cases in the Court of Appeals, while appellate judges perform judicial work for the circuit courts, including presiding over hearings and trials. With a better mutual understanding of the work that other courts perform, expensive and time-consuming reversals and remands for new trials can be substantially reduced.

School Program: The Oregon Court of Appeals judges and staff regularly travel around Oregon to hear oral arguments in school settings and talk with high school and college students and community groups about the court's work and about Oregon's justice system. The program was re-started in 2013 after a 2-year hiatus prompted by budget considerations. Overall, since 1998, the court has held oral arguments at schools, universities and local courts in more than 60 locations, from Astoria to Ontario, from Portland to Spray. A panel of three judges and a staff person work with the schools and local courts to schedule the trips. The judges meet with students who attend the arguments to discuss the appellate process and the court's work. The students are able to read the briefs and court-provided summaries of the cases. They discuss them in class before the court arrives, integrating the court's visit into their social studies curriculum. The court works to choose cases that involve local parties and lawyers and present issues that would interest the students.

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Comparative Statistics

The following chart shows comparative statistics for the Court of Appeals for the years 2005-2013.

Court of Appeals Comparative Statistics 2005-2013									
	2005	2006	2007	2008	2009	2010	2011	2012	2013
Adoptions	3	4	5	5	3	1	0	3	1
Criminal	1,571	1,562	1,356	1,384	1,588	1,407	1,204	1,218	1,146
Criminal Stalking	n/a	n/a	1	4	2	3	5	3	3
Civil	418	405	388	402	365	339	340	319	308
Civil Injunctive Relief	1	0	0	0	0	0	0	0	0
Civil Agency Review	13	12	24	9	0	8	16	10	8
Civil FED	35	27	29	28	29	36	30	29	32
Civil Other Violations	11	9	6	15	17	22	14	18	11
Civil Stalking	25	19	25	16	19	14	26	15	18
Civil Traffic	30	35	31	36	39	20	28	15	16
Domestic Relations	176	159	187	185	176	146	145	140	152
Domestic Relations-Punitive Contempt	n/a	n/a	5	7	8	5	3	1	4
Habeas Corpus	85	81	84	78	48	51	50	45	29
Mandamus	0	0	0	0	0	0	0	0	0
Juvenile	1	0	0	0	0	0	0	0	0
Juvenile Delinquencies	38	32	30	24	31	31	25	16	25
Juvenile Dependencies	65	64	80	125	100	94	159	188	181
Juvenile Terminations	79	65	67	44	55	46	37	38	35

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Probate	23	18	8	31	19	16	20	17	19
Post Conviction	550	334	291	236	225	244	305	305	217
Traffic	109	88	90	72	87	70	68	45	43
Administrative Review	200	193	232	212	324	277	231	211	141
LUBA	36	21	26	34	29	29	31	16	20
Parole Review	86	175	103	49	65	53	31	64	66
Workers' Compensation	120	116	102	110	79	70	76	94	67
Mental Commitment	126	94	102	83	71	81	87	84	79
Columbia River Gorge Commission	n/a	n/a	1	1	0	1	1	0	0
Rule Challenge	n/a	2	1	13	9	9	7	8	16
Other	0	2	38	17	28	13	7	7	15
Total Filings	3,801	3,517	3,312	3,220	3,416	3,089	2,936	2,909	2,652
Opinions Issued	400	420	400	436	530	475	494	494	437

At the end of 2013, the Court of Appeals added a new panel consisting of three additional judges. The new panel's contribution is expected to show in 2014's results.

Oregon Tax Court

The Oregon Tax Court is a specialized trial-level court with statewide jurisdiction. It has exclusive jurisdiction in all questions of law or fact arising under state tax laws. State tax laws include personal income tax, corporate excise tax, property tax, timber tax, cigarette tax, local budget laws, and constitutional property tax limitations. The court has two divisions, Regular Division and Magistrate Division.

PROGRAMS – APPELLATE AND TAX COURTS

Regular Division

Regular Division has one judge who hears appeals from: (1) the Magistrate Division; (2) direct appeals that are specially designated; and (3) direct petitions such as *mandamus*, local budget law, and constitutional property tax limitations.

Magistrate Division

Magistrate Division has three magistrates who hear appeals directly from county boards of property tax appeals and from actions of the Department of Revenue. Decisions of the magistrates may be appealed to the Regular Division. ORS 305.505 requires the Magistrate Division to keep records containing information as to the date cases are filed and the date decisions are issued. This statute also requires that “at the time of preparation biennially of consolidated budgets for submission to the Legislative Assembly ... for petitions or appeals filed after September 1, 1997, the State Court Administrator shall prepare and submit to the Legislative Assembly general statistical information as to the amount of time required by the tax court magistrate division to reach its decisions.”

- For the two-year period July 1, 2012, through June 30, 2014, 1,152 appeals were filed: 815 property tax and 337 income tax.
- Magistrates produce a written decision in each case. The average time between a case filing date and the date of the decision is slightly more than 7.4 months.
- During the two-year period, 79 cases decided in the Magistrate Division were appealed to the Regular Division. Of those 79 cases, 59 have been closed by the Regular Division. Seven of those cases reversed the decision of the Magistrate Division.
- As of June 30, 2014, there were 344 active cases pending.

Personal Income	273	Omitted Property	28
Corporate Income	39	Farm Property	18
Tobacco Income	4	Exemption Property	73
Withholding Income	17	Personal Property	16
Income/Other	4	Forest Property	14
Residential Property	280	Utilities Property	10
Commercial Property	213	Real Property	n/a
Industrial Property	105	Property/Other	58

PROGRAMS – APPELLATE AND TAX COURTS

Appellate Court Services Division

The Appellate Court Services Division (ACSD) has two sections that provide specialized administrative support activities on behalf of the Oregon Supreme Court, Court of Appeals, and Office of the State Court Administrator (OSCA). The sections are Appellate Court Records Section and the State of Oregon Law Library (which includes Publications). The specialized functions for each section area as follows:

- **Appellate Court Records Section:** The Appellate Court Records Section (ACRS) is the case processing center for both the Supreme Court and the Court of Appeals. It is responsible for processing all documents filed with either appellate court, including petitions, appeals, motions, briefs, notices, and correspondence. ACRS manages appellate transcript filing, calendars oral arguments, prepares and issues administrative orders and appellate judgments, and is responsible for all archival activities for both appellate courts. ACRS also supports the continued development of the Appellate Case Management System (ACMS) and Appellate eCourt. It also serves as the appellate clerk's office for lawyers, litigants, and the public.
- **State of Oregon Law Library:** The State of Oregon Law Library serves as a principal legal research center for the Oregon appellate and trial courts, tax court, executive agencies, and citizens. The library is open to the public, without charge, and provides a variety of services to lawyers and lay patrons. It is funded mainly through a statewide assessment. Within the State of Oregon Law Library, the Publications Program publishes, in print and electronic format, and markets, in print format, the decisions of the appellate courts. The program works with the appellate judicial chambers to format court opinions, decisions, and orders regarding rules amendments for publication on the Library website, utilizing the services of the Department of Administrative Services Publishing and Distribution Center to print and distribute advance sheets, and Lynx Group, Inc. to produce and distribute bound volumes. This program also provides desktop publishing services to OJD.

PROGRAMS – APPELLATE AND TAX COURTS

Current Service Level

The CSL budget for the Appellate and Tax Courts totals \$25.1 million. This reflects a \$1.2 million, or 5 percent, increase over the 2013-15 LAB budget.

Chief Justice’s Recommended Budget

The Chief Justice’s Recommended Budget for the 2015-17 biennium totals \$25.1 million (All Funds). Expenditures associated with judicial compensation are reflected in the Judicial Compensation Appropriation.

PROGRAMS – APPELLATE AND TAX COURTS

Appellate and Tax Courts Budget Summary – All Funds

	2011-13 Actual Expenditures	2013-15 Legislatively Approved Budget	2015-17 Current Service Level (CSL)	2015-17 Chief Justice's Recommended*
General Fund	\$16,637,802	\$20,904,522	\$22,471,944	\$22,471,944
General Fund Debt Svc	-	-	-	-
Other Funds Cap Construction	-	-	-	-
Other Funds Debt Svc Ltd	-	-	-	-
Other Funds Ltd	\$2,733,794	\$3,037,047	\$2,672,146	\$2,672,146
Other Funds Non-Ltd	-	-	-	-
Federal Funds Ltd	-	-	-	-
TOTAL – ALL FUNDS	\$19,371,596	\$23,941,569	\$25,144,090	\$25,144,090
Positions	99	108	103	103
FTE	94.11	103.12	101.8	101.8

*Includes CSL and all policy option packages

PROGRAMS – APPELLATE AND TAX COURTS

Essential Packages

Purpose

The essential packages present budget adjustments needed to bring the legislatively approved budget to Current Service Level (CSL), the calculated cost of continuing legislatively approved programs into the 2015-17 biennium.

Staffing Impact

No staff is contained in Appellate and Tax Courts for the Essential Packages.

Revenue Source

The essential packages increase the General Fund appropriation by \$165,131 and Other Funds – Limited by \$51,051.

010 Non-PICS Personal Service Adjustments

Non-PICS Personal Services adjustments for Appellate and Tax Courts is \$118,731 General Fund and \$7,839 in Other Funds. The primary components of the increases are Pension Obligation Bond increases of \$94,682 for General Fund and \$7,158 for Other Funds

021 Phase-In

The Appellate and Tax Courts budget has no adjustment for phased-in programs.

022 Phase-Out Program and One-Time Costs

The Appellate and Tax Courts budget has no phase-out program or one-time costs.

031 Inflation and Price List Adjustments

The cost of goods and services increases totals by \$45,860 in General Fund and \$42,686 in Other Funds. This reflects the standard inflation rate of 3.0 percent on goods and services.

PROGRAMS – APPELLATE AND TAX COURTS

032 Above Standard Inflation

The costs of goods and services increases General Fund totals by \$540 and Other Fund Totals by \$526. This reflects an above standard inflation rate of 3.3 percent on non-state employee personnel costs (contract providers).

040 Mandated Caseload

The Appellate and Tax Courts budget has no adjustment for mandated caseload

050 Fund Shifts

The Appellate and Tax Courts budget has no fund shifts within its CSL budget.

060 Technical Adjustments

The Appellate and Tax Courts budget has no technical adjustments within its CSL budget.

PROGRAMS – APPELLATE AND TAX COURTS

ORBITS and PICS Report

BPR013 – ORBITS Essential and Policy Package Fiscal Impact Summary

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept

Pkg: 010 - Non-PICS Psnl Svc / Vacancy Factor

Cross Reference Name: Appellate/Tax Courts

Cross Reference Number: 19800-101-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
General Fund Appropriation	118,731	-	-	-	-	-	118,731
Total Revenues	\$118,731	-	-	-	-	-	\$118,731
Personal Services							
Temporary Appointments	14,615	-	-	-	-	-	14,615
All Other Differential	4,100	-	-	-	-	-	4,100
Public Employees' Retire Cont	648	-	-	-	-	-	648
Pension Obligation Bond	94,882	-	7,158	-	-	-	101,840
Social Security Taxes	1,432	-	-	-	-	-	1,432
Mass Transit Tax	1,806	-	681	-	-	-	2,287
Other OPE	1,648	-	-	-	-	-	1,648
Total Personal Services	\$118,731	-	\$7,839	-	-	-	\$126,570
Services & Supplies							
Professional Services	-	-	-	-	-	-	-
Total Services & Supplies	-	-	-	-	-	-	-
Total Expenditures							
Total Expenditures	118,731	-	7,839	-	-	-	126,570
Total Expenditures	\$118,731	-	\$7,839	-	-	-	\$126,570

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Essential and Policy Package Fiscal Impact Summary - BPR013

PROGRAMS – APPELLATE AND TAX COURTS

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept

Cross Reference Name: Appellate/Tax Courts

Pkg: 010 - Non-PICS Psnl Svc / Vacancy Factor

Cross Reference Number: 19800-101-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Ending Balance							
Ending Balance	-	-	(7,839)	-	-	-	(7,839)
Total Ending Balance	-	-	(\$7,839)	-	-	-	(\$7,839)

PROGRAMS – APPELLATE AND TAX COURTS

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept
Pkg: 031 - Standard Inflation

Cross Reference Name: Appellate/Tax Courts
Cross Reference Number: 19800-101-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
General Fund Appropriation	45,880	-	-	-	-	-	45,880
Total Revenues	\$45,860	-	-	-	-	-	\$45,860
Services & Supplies							
Instate Travel	1,016	-	877	-	-	-	1,893
Out of State Travel	123	-	9	-	-	-	132
Employee Training	2,733	-	2,299	-	-	-	5,032
Office Expenses	25,087	-	10,209	-	-	-	35,296
Telecommunications	4,175	-	1,004	-	-	-	5,179
Data Processing	14	-	60	-	-	-	74
Publicity and Publications	-	-	897	-	-	-	897
Professional Services	4,473	-	5,266	-	-	-	9,739
IT Professional Services	925	-	-	-	-	-	925
Employee Recruitment and Develop	381	-	54	-	-	-	435
Dues and Subscriptions	3,048	-	242	-	-	-	3,290
Fuels and Utilities	41	-	5	-	-	-	46
Facilities Maintenance	9	-	14	-	-	-	23
Agency Program Related S and S	2	-	32	-	-	-	34
Other Services and Supplies	304	-	29	-	-	-	333
Expendable Prop 250 - 5000	2,953	-	8,367	-	-	-	11,320
IT Expendable Property	576	-	13,322	-	-	-	13,898
Total Services & Supplies	\$45,860	-	\$42,686	-	-	-	\$88,546

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Essential and Policy Package Fiscal Impact Summary - BPR013

PROGRAMS – APPELLATE AND TAX COURTS

ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Judicial Dept
Pkg: 032 - Above Standard Inflation

Cross Reference Name: Appellate/Tax Courts
Cross Reference Number: 19800-101-00-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues							
General Fund Appropriation	540	-	-	-	-	-	540
Total Revenues	\$540	-	-	-	-	-	\$540
Services & Supplies							
Professional Services	447	-	526	-	-	-	973
IT Professional Services	93	-	-	-	-	-	93
Total Services & Supplies	\$540	-	\$526	-	-	-	\$1,066
Total Expenditures							
Total Expenditures	540	-	526	-	-	-	1,066
Total Expenditures	\$540	-	\$526	-	-	-	\$1,066
Ending Balance							
Ending Balance	-	-	(526)	-	-	-	(526)
Total Ending Balance	-	-	(\$526)	-	-	-	(\$526)

PROGRAMS – APPELLATE AND TAX COURTS

BPR012 – ORBITS Detail of Lottery Funds, Other Funds, and Federal Funds Revenue

DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

	Agency Number: 19800					
Judicial Dept 2015-17 Biennium	Cross Reference Number: 19800-101-00-00-00000					
<i>Source</i>	2011-13 Actuals	2013-15 Leg Adopted Budget	2013-15 Leg Approved Budget	2015-17 Agency Request Budget	2015-17 Governor's Budget	2015-17 Leg Adopted Budget
Other Funds						
Business Lic and Fees	1,215	-	-	-	-	-
Sales Income	1,053,981	650,000	650,000	715,000	-	-
Transfer In - Intrafund	26	-	-	-	-	-
Tsfr From Administrative Svcs	2,324,212	2,392,804	2,392,804	2,368,040	-	-
Transfer Out - Intrafund	(161,684)	-	-	-	-	-
Total Other Funds	\$3,217,750	\$3,042,804	\$3,042,804	\$3,083,040	-	-

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Detail of LF, OF, and FF Revenues - BPR012

PROGRAMS – APPELLATE AND TAX COURTS

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